IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

W.P. No. 1005 of 2003 (M/B)

Karam Chand Thapar & Bros. (C.S.) Ltd. …… Petitioner

Versus

Tehri Hydro Development Corp. Ltd. …… Respondent

Hon. P.C.Verma, A.C.J.
Hon. Rajesh Tandon J.

Heard Mr. U.K. Uniyal, learned counsel for T.H.D.C., Mr. V.B.S. Negi and Mr. Paresh Tripathi, learned counsel for the petitioner.

This writ petition has been filed by the petitioner for enforcing the contractual rights. The parties are governed by the terms and conditions of the contract.

We are not inclined to exercise the jurisdiction under Article 226 of the Constitution as the factual questions are involved in this writ petition, which cannot be gone into.

Petitioner has alternative remedy available to him. Learned counsel for the petitioner submitted that as the appeal is already pending before the Dispute Review Board (DRB), who may be directed to decide the appeal. To that prayer, learned counsel for the respondent has no objection. Therefore, we direct the Dispute Review Board (DRB) to decide the appeal within a period of one month from the date of production of certified copy of this order.

Petitioner is permitted to move an application under section 9 of the Arbitration Act of 1996 for seeking interim protection within three days from today and no deduction shall be made during these three days from the petitioner. Liberty is given to the Appellate Authority to grant the interim order, if he thinks proper. T.H.D.C. is directed to appear on each and every day before the Appellate Authority.

Writ petition is dismissed on the ground of alternative remedy.

(Rajesh Tandon J.) **(P.C.Verma, A.C.J.)**

Dt. 11.03.2004.
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